

## **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1, 9, 10, 11, 23, 28 and 33 have been amended, *inter alia*, to include the transitional phrase, "consisting essentially of." Claims 5 and 9 have been amended to more particularly point out and distinctly claim the present invention. New claims 37-42 have been added. Support for all additions and amendments may be found throughout the specification. No new matter has been added.

Claims 1-8, 18-21, and 34-36 have been rejected under 35 U.S.C. § 112, first paragraph, as well as under 35 U.S.C. § 112, second paragraph, as containing new matter and as being indefinite. The amendments to the claims render these rejections moot.

Claims 1 and 3-36 have been rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 4,602,079 to Vinches *et al.* ("Vinches") in view of U.S. Patent 5,840,782 to Limerkens *et al.* ("Limerkens").

Applicants repeat all the arguments of record. Specifically, as noted in the amendment filed on February 8, 2007, although Vinches notes that "a mixture of one (or more) polyester resin(s)" can be used to form the hydroxy compound (see col. 5, lines 42-44), Vinches in no way suggests (i) using a single polyester to form the hydroxy compound, (ii) specifically using, as the single polyester, a polyester that is formed from dimer fatty acid and/or dimer fatty diol having a trimer content between 5 and 15 wt.%, and (iii) to produce a microcellular polyurethane foam having the unexpectedly superior properties associated with the present invention (e.g., the ability to retain at least 40% of its initial tensile strength after being subjected to hydrolysis for 2 weeks).

Furthermore, the amendments to the claims clarify the present invention as being directed to microcellular polyurethane foams (as well as to processes for forming a microcellular foam and a shoe sole comprising microcellular polyurethane foam) that are obtained from a reaction consisting essentially of: (i) an isocyanate-terminated prepolymer obtained by reacting a polyisocyanate with a polyester formed from a dimer fatty acid and/or dimer fatty diol; (ii) a polyester formed from a dimer fatty acid and/or dimer fatty diol; and (iii) a chain extender composition.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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